

**TOWN OF VAUXHALL  
PROVINCE OF ALBERTA  
BYLAW NO. 961-20**

***BEING A BYLAW OF THE TOWN OF VAUXHALL IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF THE ESTABLISHMENT AND OPERATION OF A VOLUNTEER FIRE DEPARTMENT AND FOR THE PROTECTION AND PRESERVATION OF LIFE AND PROPERTY WITHIN THE TOWN OF VAUXHALL.***

**WHEREAS** pursuant to section 7 of the *Municipal Government Act* being RSA 2000 Chapter M-26, a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

**AND WHEREAS** Council wishes to establish volunteer fire protection services within the Town of Vauxhall and to provide for the efficient operation of such fire protection services department;

**AND WHEREAS** the Council of the Town of Vauxhall has adopted a Level of Service for the provision of fire services within the Town, through the Regional Fire Authority Agreement. A current Level of Service is in place and revised on an annual basis through the Regional Fire Authority.

**AND WHEREAS**, the Town of Vauxhall has been accredited by the Safety Codes Council in the Fire Discipline; and

**AND WHEREAS** the Town of Vauxhall has entered into an agreement with the Municipal District of Taber to create the Regional Fire Authority in order to provide fire and related services to the municipality;

**AND WHEREAS** Council deems it necessary to regulate the use and setting of fires within the Town of Vauxhall;

**NOW THEREFORE**, the Council of the Town of Vauxhall pursuant to that authority conferred upon it by the laws of the Province of Alberta enacts as follows:

**1. NAME OF BYLAW**

1.1 This Bylaw may be cited as the "Fire Services Bylaw".

**2. DEFINITIONS**

2.1 "Dangerous Goods" shall mean any product, substance or organism specified in the regulations or included by its nature in any of the classes listed in the regulations under the Dangerous Goods Transportation and Handling Act, R.S.A 2000, as amended;

2.2 "Deputy Fire Chief" shall mean the Deputy Chief of the Volunteer Fire Department, authorized to act as Fire Chief in the Fire Chief's absence, whereas appointment, roles and responsibilities are directed by the Regional Fire Authority Agreement 6.11;

- 2.3 "Designated Officer" shall mean a Bylaw Enforcement Officer, Special Constable, and a member of the Royal Canadian Mounted Police or any other person so authorized to act on behalf of the Council of the Town of Vauxhall;
- 2.4 "False Alarm" shall mean any fire alarm that is set through wilful, accidental, human or mechanical error and causes the Fire Department to respond to a fire or emergency which in fact is not in existence;
- 2.5 "Fire Ban" shall mean the prohibition of the lighting of fires in the Town;
- 2.6 "Fire Chief" shall mean the person appointed to act as the Chief of the Vauxhall Fire Department, whereas appointment, roles and responsibilities are directed by the Regional Fire Authority Agreement 6.11;
- 2.7 "Fire Department" shall mean the department established and maintained by the Regional Fire Authority Agreement for the purpose of providing Fire Protection and Emergency Response Services;
- 2.8 "Fire Hazard" shall mean any condition, circumstance or event that increases the possibility and/or probability of fire occurrence;
- 2.9 "Incident" shall mean a fire or a situation where a fire or an explosion is imminent or any other situation presenting a danger or possible danger to life or property and to which the Fire Services has responded;
- 2.10 "Regional Fire Authority Agreement" shall mean an agreement entered into by the Town of Vauxhall with the Municipal District of Taber with a view to ensuring the prevention and control of fires with respect to land within the Town's boundaries or under the Town's control;
- 2.11 "Fireworks" shall mean any article defined as a firework or firecracker pursuant to the Canada Explosives Act or regulations thereto, as well as the Alberta Fire Code, as amended, repealed or replaced from time to time;
- 2.12 "Level of Service" shall mean the extent of fire protection and emergency response services to be provided by the Regional Fire Authority Fire Department to the Town of Vauxhall as determined from time to time by Council and which may include the following:
- a) preventing and extinguishing fires;
  - b) investigating the cause of fires in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;
  - c) preserving life and property and protecting persons and property from injury or destruction by fire;
    - a) providing rescue services;
    - b) preventing, combating and controlling incidents;

- d) carrying out preventable patrols, pre-fire planning and fire inspections in accordance with the Fire Quality Management Plan approved by the Safety Codes Council;
- e) entering into agreements with other Municipalities or persons for the joint use, control and management of fire extinguishing apparatus and equipment;
- f) purchasing and operating apparatus and equipment in accordance with municipal policy for extinguishing fires or preserving life and property;
- g) enforcing the provisions of the Safety Codes Act RSA 2000 Chapter S-1 and amendments thereto.

2.13 "Permit" shall mean the written authority of the Fire Chief or Deputy Fire Chief issued pursuant to this bylaw;

2.14 "Recreational Fire" shall mean a fire contained within a non-combustible container (BBQ, outdoor fire place or fire pit) which is set for the purpose of cooking, obtaining warmth or viewing for pleasure and may only be fuelled with seasoned wood, charcoal, coal, natural gas or propane;

2.15 "Violation Tag" shall mean a tag or similar document issued pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended or repealed and replaced from time to time, and any regulations there under;

2.16 "Violation Ticket" shall mean a ticket issued pursuant to Part 2 of the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, as amended or repealed and replaced from time to time, and any regulations there under;

### **3. FIRE SERVICE ESTABLISHED**

3.1 The Council of the Town of Vauxhall hereby establishes a Fire Service for the Town of Vauxhall and authorizes the Town of Vauxhall Council to enter into an agreement for the provision of fire services, as per Bylaw 874-13.

3.2 The Town of Vauxhall Council may establish from time to time by bylaw a level of fire service to establish the extent of fire protection and emergency response services to be provided by the Regional Fire Authority Fire Department to the Town of Vauxhall. A current Level of Service Bylaw is in place and reviewed on an annual basis through the Regional Fire Authority.

### **4. PROHIBITIONS**

4.1 No person shall burn garbage, waste material, or any other flammable material within the Town unless a written permit from the Fire Chief or Deputy Fire Chief has been obtained;

4.2 No person, being the owner of a property or the person in lawful possession of a property shall allow any combustible material to accumulate on said property, unless placed in a covered metal receptacle or in a fire proof room provided with fire doors;

- 4.3 No person, being the owner of a property or the person in lawful possession of a property shall allow any combustible material to accumulate or be stored within one hundred (100) feet of any building, structure or automobile;
- a.) No person shall store more than 60 liters of gasoline or diesel fuel on any property within the Town of Vauxhall limits without the written consent of the Municipal Administrator. The fuel must be stored in CSA approved containers, no fuel shall be stored in metal or plastic tubs, barrels or totes.
- 4.4 The following is the list of debris which is prohibited from being burned at any time, within the town:
- b.) animal carcasses or animal manure;
  - c.) pathological waste;
  - d.) railway ties or any other material treated with creosote and/or pentachlorophenol;
  - e.) automobile bodies;
  - f.) tires of any type;
  - g.) rubber or plastic;
  - h.) oils of any nature or type;
  - i.) residential chemicals and paints; or
  - j.) green trees, grass, shrubs, leaves or any other material that is as a result of regular yard maintenance.
- 4.5 Due to the nature of some businesses no person shall allow the burning of any material whatsoever in a commercial district or establishment unless a written permit has been obtained from the Fire Chief or Deputy Fire Chief.
- 4.6 No person shall allow any residential waste to be burned within the boundaries of the town for any reason whatsoever.
- 4.7 Notwithstanding subsection 4.5, a person whose property is not in a commercial district or classified as a commercial establishment may have a recreational fire for their personal enjoyment as long as:
- a.) it is at least four (4) meters from any combustible material, fence, building or gas service to any building;
  - b.) it is surrounded by bricks, cement or rocks suitable to contain sparks originating from said fire;
  - c.) the use of said fire pit, outdoor fireplace does not interfere with the rest and enjoyment of any other property;
  - d.) it complies with all fire code regulations or approved by the Fire Chief; and;
  - e.) a water source must be readily available to extinguish said fire;

4.8 Subject to exceptions set out in 4.8.1, the sale, purchase, possession or discharge of fireworks, other than high hazard fireworks or pyrotechnics for which a permit has been obtained from the Vauxhall Regional Fire Department, is strictly prohibited;

4.8.1 The Fire Chief may, upon written application, permit qualified personnel to ignite fireworks and conduct firework displays for Town sponsored and/or cosponsored events. The Fire Chief may impose such conditions and restrictions on the use of fireworks and displays as may be deemed appropriate including but not limited to:

- a.) hours of day/days of the week
- b.) length of display
- c.) geographic location
- d.) requirement for notification of adjacent residents
- e.) safety precautions

4.9 Nothing in this bylaw shall prevent the fire department or public works department, under direction of the Fire Chief, Deputy Fire Chief or Captain, from burning any combustible materials anywhere within the Town;

4.10 No person shall obstruct an enforcement officer in the lawful execution of his duties to enforce the provisions of this bylaw;

4.11 No person, being the owner of a property or the person in lawful possession of a property shall allow false alarm(s) to occur for which the Vauxhall Fire department is requested to attend.

## **5. PROPERTY IDENTIFICATION**

5.1 All properties must be clearly marked with its civic address number for identification purposes in the event of an emergency.

5.2 Property owners shall be responsible for displaying the number of the building in a location which is visible and legible from the sidewalk or roadway.

## **6. RECOVERY OF COSTS**

Where Fire Services has extinguished a fire or responded to a fire call or incident within the Town of Vauxhall for the purpose of preserving life or property from injury or destruction by fire or other incident, including any such action taken by the Fire Services on a False Alarm, the Town may in respect of any costs incurred by the Fire Services in taking such action, charge any costs so incurred by the Fire Services to:

- a.) the person who caused the incident;

- b.) the owner of the land or the person in possession where the incident occurred; or
  - c.) the owner of the property where the person in possession and control of property which is the situate of the incident if not located on privately owned land.
- 6.2 The schedule of fees and charges to be charged by the Fire Services for services Rendered pursuant to this Bylaw shall be as set out in Schedule "A", a Schedule to this Bylaw.
- 6.3 In respect of the fees or charges described in Section 6.1, 6.2 and 6.3 where Charges for services under this bylaw have been levied and they remain unpaid for longer than 30 days the Town may;
- a.) Assign the outstanding amounts owing against the real property on which the fire or incident occurred and collect them in accordance with the tax recovery procedures outlined in the Municipal Government Act, or,
  - b.) Take collection action against the registered owner(s) of the vehicles(s) which was involved in the fire or motor vehicle accident, or
  - c.) File a Statement of Claim in the Provincial Court of Alberta or the Alberta Court of the Queen's Bench for the recovery of all direct and indirect costs including legal costs, and
  - d.) The method chosen to recover costs will be that deemed most appropriate by the CAO.
- 6.4 Response fees specified with Schedule "A" may apply for any type of response.
- a.) The Town will invoice the costs and costs of additional materials, services and supplies to the registered owner or their insurance company to cover response to all vehicular fires and collisions which occur in Town of Vauxhall limits. Such invoice will be at the current rates, established by Alberta Transportation and Infrastructure, per unit utilized at said vehicular fire or collision.
  - b.) The Town will bill the costs and any costs of additional materials, services and supplies to the registered owner or their insurance company for all responses involving actual or potential product releases of dangerous goods during transportation with in the Town.
- 6.5 Council reserves the right to waive all or part of any charges for services under this section upon representation by the owner. Such representation will require written notice of concerns being addressed to Council within 60 days of issuance of an invoice by the Town.
- 6.6 Council reserves the right to waive all or part of any charges for services under this section in their sole judgement and discretion based upon whatever criteria they deem relevant.

## 7. ENFORCEMENT

- 7.1 Any person who contravenes any provision of this bylaw is guilty of an offence and is liable to a penalty as set out in Schedule "B" of this bylaw.
- 7.2 Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence enforcement against such person by issuing a written order to the person giving a specified time to remedy the violation.
- 7.3 Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Designated Officer may commence enforcement against such person by issuing a Municipal Violation Tag in such form as prescribed from time to time by a designated officer of the municipality.
- 7.4 Where a Designated Officer has reasonable grounds to believe that a person has violated any provision of this bylaw and the Designated Officer has issued a Municipal Violation Tag pursuant to section 7.3 and that the voluntary penalty has gone unpaid in excess of twenty-one (21) days, or if the Designated Officer feels it to be in the best interest of the Town for the person to appear before a Provincial Court Judge, he may commence court proceedings against such person by:
- a.) Issuing the person a Violation Ticket pursuant to the provision of Part 2 of the Provincial Offences Procedure Act; or
  - b.) Swearing out an Information and Complaint against the person.
- 7.5 Where a Designated Officer issues a Violation Ticket in accordance with section 7.3 of this bylaw, the Officer may either:
- a.) Require the person to pay the specified penalty as provided for the offence in schedule "B" of this bylaw by including such specified penalty in the Violation Ticket, or
  - b.) Require a Court appearance of the person where the Designated Officer believes that such appearance is in the public interest, pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*
- 7.6 No provision of this bylaw or any action taken pursuant to any provision of this bylaw shall restrict, limit, prevent or preclude the Town from pursuing any other remedy in relation to a Property provided by the *Municipal Government Act*, or any other law of the Province of Alberta.
- 7.7 Notwithstanding whether a Violation Ticket has been issued under this section, any Owner or Occupier who contravenes this bylaw may be issued an order by a Designated Officer to remedy the contravention in any manner deemed necessary under the circumstance pursuant to section 545 or section 546 of the *Municipal Government Act* without first laying a charge for the offence.

- 7.8 For an offence of continuing nature a second and subsequent offence will be deemed to have been committed for each day the offence goes un-remedied as long as only one violation ticket is issued per 24 hour period.
- 7.9 Any person who contravenes any provision of this bylaw is guilty of an offence and liable upon summary conviction to a penalty of not less than One Hundred Dollars (\$100.00) and not exceeding Ten Thousand Dollars (\$10,000) or in default of payment to imprisonment for a period not exceeding six (6) months.

## 8. GENDER

In this bylaw, whenever the male gender is specified it shall be interpreted as meaning both male and female as applicable.

## 9. REPEAL OF BYLAW

Bylaw Number 941-19 is hereby repealed in its entirety.

READ a first time in open council this 16<sup>th</sup> day of March, 2020

READ a second time in open council this 16<sup>th</sup> day of March, 2020

READ a third and final time in open council this 20<sup>th</sup> day of April, 2020

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER



## SCHEDULE "A"

### BYLAW NO: 961-20

#### Fees and Charges:

Billing rates for any type of fire related call out, the first hour is waived at no charge:

Pumper, Engine, Tanker or Rescue Unit	\$615/hour *
Command Unit	\$185/hour *
Wildland Fire Unit	\$615/hour *
Consumables used such as Fire foam and Hazmat Supplies	**
Commercial water delivery to incident	**

Billing rates for mvc (motor vehicle collision) call outs:

Pumper, Engine, Tanker or Rescue Unit	\$615/hour *
Command Unit	\$185/hour *
Wildland Fire Unit	\$615/hour *
Consumables used such as Fire foam and Hazmat Supplies	**
Commercial water delivery to incident	**

\$ As per current Alberta Transport rates currently \*

\$ As per invoice cost \*\*

## SCHEDULE "B"

### BYLAW NO: 961-20

#### Penalties:

Section	Offence	1 <sup>st</sup> Offence Penalty	2 <sup>nd</sup> Offence within (1) Calendar year	3 <sup>rd</sup> Offence within (1) Calendar year
4.1	Burning garbage, waste material or any other flammable material	Warning	\$200.00	\$500.00
4.2	Accumulation of combustible material	Warning	\$ 200.00	\$ 500.00
4.3	Improper storage of combustible material	Warning	\$ 200.00	\$ 500.00
4.4	Burning prohibited material	\$200.00	\$ 200.00	\$ 500.00
4.5	Burning in commercial district	\$100.00	\$ 200.00	\$ 500.00
4.7	Use of an unauthorized fire pit	Warning	\$ 200.00	\$ 500.00
4.8	Storage, sale, discharge of fireworks	\$200.00	\$ 500.00	\$ 500.00
4.10	Obstruction of a designated officer	\$500.00	\$1000.00	\$1000.00
4.11	False alarm	Warning	\$ 200.00	\$ 500.00
5.1	Failing to display civic address number	Warning	\$ 50.00	\$ 50.00